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TRANSMITTAL FORM

Application Number	10/830,196
Filing Date	April 21, 2004
First Named Inventor	Hubert T. McGovern
Title	Deck Screws Suitable for Use with Composite Lumber
Group Art Unit	
Examiner Name	
Attorney Docket Number	OMG/130/US

ENCLOSURES

- ☐ Response to Office Action ☐ Preliminary Amendment
- ☒ Information Disclosure Statement ☒ Postcard reflecting enclosures
- ☐ Other:

☒ It is hereby petitioned that any required extension of time be granted for filing the amendment. An extension of _____ month(s) having a fee of \$ _____ appears required.

☐ A check in the amount of \$ _____ is attached. Please credit any overpayment to Deposit Account 16-2563 of Alix, Yale & Ristas, LLP.

The Commissioner is hereby requested and authorized to charge Deposit Account 16-2563 of Alix, Yale & Ristas, LLP for any fee, not enclosed herewith, due for any reason in connection with the amendment or this or any other document accompanying the amendment, including (a) any filing fees under 37 CFR 1.16 for the presentation of extra claims and (b) any patent application processing fees under 37 CFR 1.17. *A duplicate copy of this sheet is attached.*

SIGNATURE OF APPLICANT, ATTORNEY OR AGENT

Firm or
Individual name

Guy D. Yale

Reg No.

29,125

Signature

Date

January 11, 2005

Attorney's Docket No.

OMG/130/US

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited on the date below with the United States Postal Service as first class mail in an envelope addressed to "Mail Stop Non-Fee Amendment, Commissioner for Patents, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, Virginia 22313-1450."

Typed or Printed Name

Guy D. Yale

Reg. No.

29,125

Signature

Date:

January 11, 2005



Attorney Docket:OMG/130/US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of: Hubert T. McGovern et al

Application No.: 10/830,196 Examiner: Unassigned

Filing Date: April 21, 2004 Group Art Unit: Unassigned

For: DECK SCREWS SUITABLE FOR USE WITH COMPOSITE LUMBER

Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

Sir:

Information Disclosure Statement

Applicant submits herewith patents, publications or other information of which they are aware and which they believe may be material to the examination of the above-identified application and in respect of which there may be a duty to disclose in accordance with 37 CFR 1.56.

This Information Disclosure Statement is not intended to constitute an admission that any patent, publication or other information referred to herein or submitted herewith is "prior art" for this invention unless specifically designated as such.

In accordance with 37 CFR 1.97(g) and (h), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made or that no other material information as defined in 37 CFR 1.56(b) exists.

Concise explanation of non-English language information.

As outlined in M.P.E.P. §609 (III)(A)(3) applicants herein provides in place of a concise explanation of non-English language information of the Taiwanese opposition report. A full translation of the Taiwanese opposition report the translation:

[TRANSLATION OF THE REASONS FOR OPPOSITION]

I. The patent-in-question lacks of novelty:

1. It is stated in item 1 of first paragraph of Article 20 that prior to an invention applying for patent it has been published or publicly used then this invention may not obtain a patent in accordance with this Law. Accordingly, any patent that fails to meet the 'novelty' requirements set forth in above article should be revoked.

The patent-in-question fails to meet the requirements set forth in above article according to the evidences presented by the opposer and thus should be revoked.

2. As stated in claim 1, the patent-in-question claims a screw for securing wood products, the screw comprising:

a shaft and a head, wherein the head is provided with a top surface having an opening to receive a tool;

wherein the shaft is provided with a threaded upper region located proximate the head and a threaded lower region located near a distal end of the screw, the distal end having a tip, and the number of threads per unit length in the upper region exceeds the number of threads per unit length in the lower region.

3. The screw claimed in claim 1 has been publicly shown in Evidence 3. Specifically, the screws shown in page 5, 87, and 186 (which are indicated by arrows) have all the features of the screw claimed in claim 1, i.e., each of the screws shown in Evidence 3 has a shaft, a head having an opening provided in a top surface thereof for receiving a tool, a threaded upper region located proximate the head, a threaded lower region located near a distal end of the screw, the distal end having a tip, and the number of threads per length in the upper region exceeds the number of threads per length in the lower region.

Moreover, the screw claimed in claim 1 has been disclosed in Evidences 4 & 5. Specifically, as illustrated in Figs. 1 and 2, there disclosed a screw 200 which has a shaft, a head (230) having an opening for receiving a tool, a threaded upper region (210) located proximate the head, a threaded lower region (220) located near a distal end of the screw, the distal end having a tip, and the number of threads per length in the upper region exceeds the number of threads per length in the lower region.

Therefore, in view of the disclosures of Evidences 3, 4 and 5, the screw claimed in claim 1 has been published prior to its application for patent and thus lacks of novelty.

4. The screw claimed in claim 3 lacks of novelty as well. In specific, the structural features of the screw described in claim 3 reside in that the head of the screw is provided with a bottom surface, a crown that extends around the perimeter of the head and extends beyond the lower surface of the head thereby defining an open volume between the lower edge of the crown and the shaft of the screw. These features have been disclosed in the screws illustrated in pages 87 and 186. Thus, the screw claimed in claim 3 does not possess novelty.

5. The screw claimed in claim 8 is not novel either. The feature of the screw described in claim 8 resides in that the thread pattern of the lower region is symmetrical. This feature has been clearly disclosed in the screws of Evidence 3 and in figures 1 and 2 of Evidences 4 and 5. Thus, the screw claimed in claim 8 does not possess novelty.

6. The screw claimed in claim 13 lacks of novelty. The feature of the screw described in claim 13 resides in that the shaft has an unthreaded region located between the upper threaded region and the lower threaded region. This feature has been clearly disclosed in the screw illustrated in figures 1 and 2 of Evidences 4 and 5. Thus, the screw claimed in claim 8 does not possess novelty.

II. The patent-in-question does not possess non-obviousness:

It is stipulated in the second paragraph of Article 20 that an invention may not be granted a patent in accordance with this Law if it employs prior art or knowledge in a way people skilled in the same field may easily complete it.

1. The screw claimed in claim 2 lacks of non-obviousness. The feature of the screw described in claim 2 resides in that the threads per unit length of the upper region are at least twice as many as that of the lower region. This feature is just an obvious modification of the structure of 'the number of threads per unit length in the upper region exceeds the number of threads per unit length in the lower region' and is obvious to people skilled in this art.

2. The screw claimed in claim 4 lacks of non-obviousness. The feature of the screw described in claim 4 resides in that the head of the screw is provided with a bottom surface, a crown that extends around the perimeter of the head, wherein the crown extends beyond the lower surface of the head, forming a recessed region between the lower edge of the crown and the shaft of the screw. This feature is similar to that of the screw illustrated in Figs. 1 and 2 of Evidence 6. Thus, the screw of claim 4 is obvious to people skilled in this art.

3. The screws defined in claims 5 and 6 both lack of non-obviousness. The feature of the screw described in claim 5 resides in that a V-shaped undercut is provided in a bottom surface of the head. This structural feature, however, has long been adopted in a screw design. For instance, the screw illustrated in Figs. 3 and 4 of Evidence 7 has this feature. Claim 6 further defines that the V-shaped undercut has a conical surface in the undercut that connects the lip with a conical underside of the head. However, this feature is only an obvious modification over the screw of claim 5 and does not provide any improvements.

4. The screws defined in claims 7, 9, 10, 11, and 12 all lack of non-obviousness. The features defined in these claims, such as the slant angle of the conical surface, the cross sectional area of the lower and upper regions of the shaft, the angle of the tip, the size and

shape of the opening, are either designer's choice or obvious modification to people skilled in this art.

III. In view of the above, the disclosures of Evidences 3 through 7 have disclosed all the features defined in the claims of the patent-in-question. Therefore, the patent-in-question fails to meet the statutory requirements of an invention patent set forth in item 1 and 2 of paragraph 1 and paragraph 2 of Article 20. That is, the patent-in-question fails to meet either the 'novelty' or 'inventive step' requirements set forth in Article 20 in view of the evidences presented by the opposer and thus should be revoked.

The Patent Office is thus respectfully requested to revoke the mistakenly issued patent to the patent-in-question.

Evidences:

1. A publication copy of the patent-in-question that is published on Official Gazette.
2. A complete copy of the patent-in-question.
3. A copy of pages 5, 87, and 186 of a magazine published on December 1997.
4. A publication copy of Taiwan Patent Publication No.292540 that is published on Official Gazette.
5. A complete copy of Evidence 4.
6. A publication copy of Taiwan Patent Publication No.424851.
7. A publication copy of Taiwan Patent Publication No.33 7826.


For US national applications filed after June 30, 2003 and International applications that have entered the national stage after June 30, 2003 a copy of a cited US patent or cited US patent publication is NOT required. See OG Notices: 5 August 2003. Accordingly, no copies of a cited US patent or cited US patent publication are enclosed for these applications. A copy of each item other than a US patent or a US patent publication

listed on the attached INFORMATION DISCLOSURE CITATION IN AN APPLICATION is supplied herewith.

For US national applications filed before June 30, 2003 and International applications that have entered the national stage before June 30, 2003 a copy of each of the items listed on the attached INFORMATION DISCLOSURE CITATION IN AN APPLICATION is supplied herewith.

Respectfully submitted,

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Our Ref: OMG/130/US



INFORMATION DISCLOSURE CITATION IN AN APPLICATION	Application No. 10/830,196	Inventor Hubert T. MCGOVERN et al.	
	Title DECK SCREWS SUITABLE FOR USE WITH COMPOSITE LUMBER		
	Filing Date April 21, 2004	Group Art Unit Unassigned	Docket No. OMG/130/US

UNITED STATES PATENT DOCUMENTS

Examiner Initial	Document No.	Date	Name	Class
	5,400,845	March 28, 1995	Choiniere et al.	
	6,666,638	December 23, 2003	Craven	
	440,334	November 1890	Rogers	
	1,175,665	March 1916	Sweet	
	1,980,093	November 1934	Rosenberg	
	2,292,557	August 1942	Wilson	
	2,419,555	April 1947	Fator	
	3,093,025	June 1963	Wasserman	
	3,124,408	March 1964	Oestereicher	
	3,177,755	April 1965	Kahn	
	3,478,639	November 1969	Gruca	
	3,524,378	August 1970	Wieber	
	3,682,507	August 1972	Waud	
	4,096,901	June 1978	Reichenbach	
	4,194,430	March 1980	Muenchinger	
	4,621,963	November 1986	Reinwall	
	4,653,244	March 1987	Farrell	
	4,808,051	February 1989	Gietl	
	4,844,676	July 1989	Adamek	
	4,854,311	August 1989	Steffee	
	4,959,938	October 1990	DeCaro	
	5,531,553	July 1996	Bickford	
Examiner		Date Considered		

EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP §609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to the applicant.



INFORMATION DISCLOSURE CITATION IN AN APPLICATION	Application No. 10/830,196	Inventor Hubert T. MCGOVERN et al.	
	Title DECK SCREWS SUITABLE FOR USE WITH COMPOSITE LUMBER		
	Filing Date April 21, 2004	Group Art Unit Unassigned	Docket No. OMG/130/US

UNITED STATES PATENT DOCUMENTS

Examiner Initial	Document No.	Date	Name	Class
	5,536,127	July 1996	Pennig	
	5,735,653	April 1998	Schiefer et al	
	5,863,167	January 1999	Kaneko	
	6,000,892	December 1999	Takasaki	
	6,030,162	February 2000	Huebner	
	6,050,765	April 2000	McGovern	
	6,074,149	June 2000	Habermehl et al	
	6,086,303	July 2000	Fluckiger	
	6,325,583	December 2001	Mattle	
	6,045,312	April 2000	Hsing	
	5,020,954	January 1999	Dreger	

FOREIGN PATENT DOCUMENTS

Examiner Initial	Document No.	Date	Country	Name	Translation

OTHER DOCUMENTS *(Including Author, Title, Date, Pertinent Pages, Etc.)*

Examiner Initial	
	"Grip-Lok™ Dual Thread Differential Pitch Screw", Packaging Label, June 23, 1999, USA.
	Olympic Manufacturing Group, Inc., "Rodenhouse Grip Lock as Sold, 1/08/04, OMG drawing.
	Rodenhouse, Inc., "Rodenhouse Products for EIFS", Walls & Ceilings, June 1999, Tuttle, Troy, MI 48084.
	Rodenhouse Inc., "Grip-Lok® 3" dia. PB Washers", 1/6/2004, http://www.rodenhouse-inc.com/GripLokx.html , USA

Examiner	Date Considered
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EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP §609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to the applicant.